

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCUS ESCAMILLA,

Defendant.

8:05CR402

ORDER

Defendant Marcus Escamilla (Escamilla) appeared before the court on April 24, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 40). Escamilla was represented by Assistant Federal Public Defender Julie B. Hansen and the United States was represented by Special Assistant U.S. Attorney Martin J. Conboy, IV. Through his counsel, Escamilla waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Escamilla should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Escamilla proffered he would abide by conditions of release and obtain substance abuse treatment. Since it is Escamilla's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Escamilla has failed to carry his burden and that Escamilla should be detained pending a dispositional hearing before Chief Judge Smith Camp.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on June 20, 2013**. Defendant must be present in person.

2. Defendant Marcus Escamilla is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 24th day of April, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge